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12
UNITED STATES DISTRICT COURT
 13
NORTHERN DISTRICT OF CALIFORNIA
 14

15 RICHARD KADREY, et al.,
 16 Individual and Representative Plaintiffs,
 17 v.
 18 META PLATFORMS, INC., a Delaware
 corporation;
 19
 20 Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
 OBJECTIONS AND RESPONSES TO
 PLAINTIFFS' FIRST SET OF REQUESTS FOR
 PRODUCTION**

Trial Date: None
 Date Action Filed: July 7, 2023

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1 13. Meta objects to Instruction 6 as vague, ambiguous, and unintelligible as to the phrase
 2 “item or category of item.” Meta further objects to this instruction to the extent that it purports to
 3 require Meta to state objections as to specific documents.

4 14. Meta objects to Instruction 7 as overbroad and unduly burdensome to the extent that
 5 it purports to require more of Meta than any obligation imposed by law and would subject Meta to
 6 unreasonable, disproportionate, and undue burden and expense. Meta will provide Plaintiffs with
 7 a privilege log in accordance with Rule 26.

8 15. Meta objects to Instruction 8 to the extent that it purports to require Meta to produce
 9 documents protected by attorney-client privilege and/or attorney work product doctrine.

10 **III. OBJECTIONS AND RESPONSES TO INDIVIDUAL DOCUMENT REQUESTS**

11 **REQUEST FOR PRODUCTION NO. 1:**

12 The Training Data for Llama 1.

13 **RESPONSE TO REQUEST NO. 1:**

14 Meta incorporates by reference its objections and definitions above, including to the terms
 15 “Training Data” and “Llama 1.”

16 Subject to and without waiving the foregoing objections, and pursuant to the terms the
 17 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce, or, if
 18 technically infeasible or impractical to produce, identify public sources of or permit inspection of
 19 a copy of the training data set(s) used to train Llama 1. Any such production shall be on a rolling
 20 basis, and the timing of any such production shall be governed by terms of the Scheduling Order
 21 (ECF No. 87).

22 **REQUEST FOR PRODUCTION NO. 2:**

23 The Training Data for Llama 2.

24 **RESPONSE TO REQUEST NO. 2:**

25 Meta incorporates by reference its objections and definitions above, including to the terms
 26 “Training Data” and “Llama 2.”

27 Subject to and without waiving the foregoing objections, and pursuant to the terms the
 28 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce, or, if

1 technically infeasible or impractical to produce, identify public sources of or permit inspection of
 2 a copy of the training data set(s) used to train Llama 2. Any such production shall be on a rolling
 3 basis, and the timing of any such production shall be governed by terms of the Scheduling Order
 4 (ECF No. 87).

5 **REQUEST FOR PRODUCTION NO. 3:**

6 The Training Data for Llama 3.

7 **RESPONSE TO REQUEST NO. 3:**

8 Meta incorporates by reference its objections and definitions above, including to the terms
 9 “Training Data” and “Llama 3.”

10 Meta objects to this Request as vague and ambiguous as to “Llama 3” because Llama 3 has
 11 not yet been completed. To the extent that the released version of Llama 3 will have been trained
 12 on datasets other than those responsive to Request Nos. 2 and 3, this Request is premature.

13 **REQUEST FOR PRODUCTION NO. 4:**

14 The Training Data comprising the “Books3” dataset referenced in the paper “LLaMA: Open
 15 and Efficient Foundation Language Models,” and all Documents and Communications Concerning
 16 Your selection and assembly of this dataset.

17 **RESPONSE TO REQUEST NO. 4:**

18 Meta incorporates by reference its objections and definitions above, including to the terms
 19 “Training Data,” “Communications,” and “Your.” Any electronic communications, including
 20 email and documents attached thereto, must be requested pursuant to the ESI Order.

21 Meta objects to this Request because, on its face, it does not exclude documents and
 22 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
 23 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 24 documents will not be produced.

25 Meta objects to this Request to the extent that it implies that Meta “assembl[ed]” the Books3
 26 dataset.

27 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 28 needs of the case to the extent that it seeks “all” documents and communications concerning the

1 identification of appropriate search terms and custodians by Plaintiffs pursuant to the ESI Order to
 2 be used to search for email and electronic communications, and subject to the foregoing objections
 3 as well as Meta's objections to said custodians and search terms, Meta will also search for and
 4 produce non-privileged, relevant communications between Meta and United States governmental
 5 entities, elected officeholders, or appointed officials that concern alleged use of copyrighted works
 6 to train LLMs, if any, in accordance with the limitations set forth in the ESI Order. Any such
 7 production shall be on a rolling basis, and the timing of any such production shall be governed by
 8 terms of the Scheduling Order (ECF No. 87).

9 **REQUEST FOR PRODUCTION NO. 45:**

10 All Documents and Communications Concerning any licensing, accreditation, or attribution
 11 mechanism, or similar tool for crediting, compensating, or seeking consent from owners of
 12 copyrighted works that were used to train the Meta Language Models.

13 **RESPONSE TO REQUEST NO. 45:**

14 Meta incorporates by reference its objections and definitions above, including to the terms
 15 "Meta Language Models" and "Communications." Any electronic communications, including
 16 email and documents attached thereto, must be requested pursuant to the ESI Order.

17 Meta also objects to this Request as vague and ambiguous as to the phrase "mechanism or
 18 similar tool," which is undefined. Meta will construe this phrase to mean a software-based solution
 19 or feature developed or used by Meta.

20 Meta objects to this Request because, on its face, it does not exclude documents and
 21 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 22 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 23 documents will not be produced.

24 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 25 needs of the case as it seeks "[a]ll" documents concerning the subject matter of the Request,
 26 including documents with limited, if any, relevance to Plaintiffs' copyright infringement allegations
 27 and Meta's defenses thereto.

28

1 Meta objects to this Request to the extent it seeks information that is not relevant to any
 2 party's claims or defenses, including claims dismissed from the original complaint and not included
 3 in the FCAC.

4 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 5 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
 6 privileged, relevant documents in its possession, custody, or control sufficient to show any
 7 licensing, accreditation, or attribution mechanism or tool developed or used by Meta for crediting,
 8 compensating, or seeking consent from owners of copyrighted works that were used to train any
 9 Meta Language Models (as construed above). Following the identification of appropriate search
 10 terms and custodians by Plaintiffs pursuant to the ESI Order to be used to search for email and
 11 electronic communications, and subject to the foregoing objections as well as Meta's objections to
 12 said custodians and search terms, Meta will also search for and produce non-privileged, relevant
 13 communications responsive to this Request, if any, in accordance with the limitations set forth in
 14 the ESI Order. Any such production shall be on a rolling basis, and the timing of any such
 15 production shall be governed by terms of the Scheduling Order (ECF No. 87).

16 **REQUEST FOR PRODUCTION No. 46:**

17 All Documents and Communications sufficient to show Your actual or projected income
 18 from the sale or licensing of the Meta Language Models.

19 **RESPONSE TO REQUEST No. 46:**

20 Meta incorporates by reference its objections and definitions above, including to the terms
 21 "Your," "Meta Language Models," and "Communications." Any electronic communications,
 22 including email and documents attached thereto, must be requested pursuant to the ESI Order.

23 Meta objects to this Request because, on its face, it does not exclude documents and
 24 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 25 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 26 documents will not be produced.

27 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 28 needs of the case as it seeks "[a]ll" documents concerning the subject matter of the Request,

1 including documents with limited, if any, relevance to Plaintiffs' copyright infringement allegations
 2 and Meta's defenses thereto.

3 Meta objects to this Request to the extent it seeks information that is not relevant to any
 4 party's claims or defenses.

5 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 6 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
 7 privileged, relevant documents in its possession, custody, or control sufficient to show Meta's
 8 actual or projected income from the sale or licensing of the Meta Language Models (as construed
 9 above). Any such production shall be on a rolling basis, and the timing of any such production
 10 shall be governed by terms of the Scheduling Order (ECF No. 87).

11 **REQUEST FOR PRODUCTION NO. 47:**

12 All Documents and Communications Concerning the action entitled *Huckabee et al. v. Meta*
 13 *Platforms, Inc.*, Case No. 1:23-cv-09152 (S.D.N.Y), Including any Documents and
 14 Communications You produce, or have produced, to any parties (or third-parties) in that action.

15 **RESPONSE TO REQUEST NO. 47:**

16 Meta incorporates by reference its objections and definitions above, including to the terms
 17 "You" and "Communications." Any electronic communications, including email and documents
 18 attached thereto, must be requested pursuant to the ESI Order.

19 Meta objects to this Request because, on its face, it does not exclude documents and
 20 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 21 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 22 documents will not be produced.

23 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 24 needs of the case as it seeks "[a]ll" documents concerning the subject matter of the Request,
 25 including documents with limited, if any, relevance to Plaintiffs' copyright infringement allegations
 26 and Meta's defenses thereto.

27 Meta objects to this Request to the extent it seeks information that is not relevant to any
 28 party's claims or defenses.

1 attached thereto. In the context of this Request, Meta will construe this phrase to mean documents,
 2 other than those subject to the procedure for requesting electronic communications under the ESI
 3 Order.

4 Meta objects to this Request because, on its face, it does not exclude documents and
 5 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 6 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 7 documents will not be produced.

8 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 9 needs of the case as it seeks “[a]ll” documents concerning the subject matter of the Request,
 10 including documents with limited, if any, relevance to Plaintiffs' copyright infringement allegations
 11 and Meta's defenses thereto.

12 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 13 Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-
 14 privileged, relevant documents in its possession, custody, or control sufficient to show the
 15 individuals granted or denied access to Llama 1 and Llama 2. Any such production shall be on a
 16 rolling basis, and the timing of any such production shall be governed by terms of the Scheduling
 17 Order (ECF No. 87).

18 Dated: February 23, 2024

COOLEY LLP

20 By: /s/ Judd Lauter
 21 Judd Lauter
 22 Bobby Ghajar
 23 Mark Weinstein
 Kathleen Hartnett
 Colette Ghazarian

24 Attorneys for Defendant
 25 META PLATFORMS, INC.
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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN FRANCISCO DIVISION

RICHARD KADREY, *et al.*,

Individual and Representative Plaintiffs,

V.

META PLATFORMS, INC., a Delaware corporation;

Defendant.

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
OBJECTIONS AND RESPONSES TO
PLAINTIFFS' CORRECTED SECOND SET OF
REQUESTS FOR PRODUCTION**

Trial Date: None
Date Action Filed: July 7, 2023

1 **RESPONSE TO REQUEST No. 52:**

2 Meta incorporates by reference its objections and definitions above, including to the term
 3 “Meta Language Model.” Any electronic communications, including email and documents attached
 4 thereto, will only be produced pursuant to and in accordance with the ESI Order.

5 Meta objects to this Request because, on its face, it does not exclude documents and
 6 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
 7 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 8 documents will not be produced.

9 Meta objects to this Request as vague and ambiguous as to the terms “SWOT analysis,”
 10 “go-to-market strategy,” “executive summary,” “growth plan,” “product integration strategy, and
 11 “revenue operations plans,” which are undefined. Meta will construe these terms to refer to
 12 business plans for Meta Language Models (as construed above).

13 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the needs of the case to the extent that it seeks “all” documents and communications concerning the subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs’ copyright infringement allegations and Meta’s defenses thereto.

17 Subject to and without waiving the foregoing objections, and pursuant to the terms of the Protective Order and ESI Order, Meta will conduct a reasonable search for and produce non-privileged, relevant documents in its possession, custody, or control sufficient to show business plans and go-to-market strategy related thereto, for the Meta Language Models (as construed above).

22 **REQUEST FOR PRODUCTION No. 53:**

23 All Documents and Communications Concerning any income statement, balance sheet, or statement of cash flows, Concerning any of the Meta Language Models.

25 **RESPONSE TO REQUEST No. 53:**

26 Meta incorporates by reference its objections and definitions above, including to the term
 27 “Meta Language Model.” Any electronic communications, including email and documents attached
 28 thereto, will only be produced pursuant to and in accordance with the ESI Order.

1 Meta objects to this Request because, on its face, it does not exclude documents and
 2 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
 3 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 4 documents will not be produced.

5 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 6 needs of the case to the extent that it seeks “all” documents and communications “concerning” the
 7 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs’
 8 copyright infringement allegations and Meta’s defenses thereto.

9 Meta objects to this Request to the extent that it presumes that Meta maintains “income
 10 statements,” “balance sheets,” or “statement of cash flows” (an undefined and ambiguous phrase)
 11 specific to a particular Meta Language Model. By responding to this Request, Meta does not
 12 represent that such documents exist.

13 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 14 Protective Order and ESI Order, to the extent there are any “income statements” or “balance
 15 sheets,” or any “cash flow” that are specific to a particular Meta Language Model (as construed
 16 above), Meta will search for and produce such non-privileged, relevant documents in its possession,
 17 custody, or control. Meta will also search for and produce evidence sufficient to show its significant
 18 investment in AI research and developing the Meta Language Models (as construed above).

19 **REQUEST FOR PRODUCTION No. 54:**

20 All Documents and Communications Concerning any decision by You to not develop an
 21 interface for end users to interact with any of the Meta Language Models.

22 **RESPONSE TO REQUEST No. 54:**

23 Meta incorporates by reference its objections and definitions above, including to the term
 24 “Meta Language Model.” Any electronic communications, including email and documents attached
 25 thereto, will only be produced pursuant to and in accordance with the ESI Order.

26 Meta objects to this Request because, on its face, it does not exclude documents and
 27 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
 28

1 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 2 documents will not be produced.

3 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 4 needs of the case to the extent that it seeks “all” documents and communications “concerning” the
 5 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs’
 6 copyright infringement allegations and Meta’s defenses thereto. Meta’s reasons (or lack thereof)
 7 for not doing something have no bearing on any claim or issue in the case.

8 Meta objects to the phrase “interface for end users to interact with” as vague, ambiguous,
 9 and undefined.

10 Meta objects to this Request to the extent it seeks information that is not relevant to any
 11 party’s claims or defenses and to the extent the Request rests upon an incorrect assumption.

12 **REQUEST FOR PRODUCTION No. 55:**

13 All Documents and Communications Concerning any plans to develop an interface for end
 14 users to interact with any of the Meta Language Models.

15 **RESPONSE TO REQUEST No. 55:**

16 Meta incorporates by reference its objections and definitions above, including to the term
 17 “Meta Language Model.” Any electronic communications, including email and documents attached
 18 thereto, will only be produced pursuant to and in accordance with the ESI Order.

19 Meta objects to this Request because, on its face, it does not exclude documents and
 20 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
 21 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 22 documents will not be produced.

23 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 24 needs of the case to the extent that it seeks “all” documents and communications “concerning” the
 25 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs’
 26 copyright infringement allegations and Meta’s defenses thereto.

27 Meta objects to the phrase “interface for end users to interact with” as vague, ambiguous,
 28 and undefined.

1 **RESPONSE TO REQUEST No. 59:**

2 Meta incorporates by reference its objections and definitions above, including to the term
 3 “Meta Language Model.” Any electronic communications, including email and documents attached
 4 thereto, will only be produced pursuant to and in accordance with the ESI Order.

5 Meta objects to this Request because, on its face, it does not exclude documents and
 6 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
 7 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 8 documents will not be produced.

9 Meta objects to this Request as vague and ambiguous as to the phrase “fictional works,”
 10 which could refer to the ability of the model to output pre-existing fictional works, the production
 11 of outputs that are factually inaccurate, and/or the ability of the model to output fictional (as
 12 opposed to factual/non-fictional) content.

13 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 14 needs of the case to the extent that it seeks all documents and communications concerning the
 15 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs’
 16 copyright infringement allegations and Meta’s defenses thereto, including because there are no
 17 claims in the operative Complaint relating to the purported “output” of any of the Meta Language
 18 Models (as construed). Accordingly, Meta objects to this Request to the extent it seeks information
 19 that is not relevant to any party’s claims or defenses.

20 **REQUEST FOR PRODUCTION No. 60:**

21 Documents and Communications to, from, or with Tim Dettmers and You Concerning
 22 copyright infringement or the fair use doctrine.

23 **RESPONSE TO REQUEST No. 60:**

24 Meta incorporates by reference its objections and definitions above. Any electronic
 25 communications, including email and documents attached thereto, will only be produced pursuant
 26 to and in accordance with the ESI Order.

27 Meta objects to this Request because, on its face, it seeks and does not exclude documents
 28 and communications exchanged with or at the direction of Meta’s attorneys concerning legal advice

1 **RESPONSE TO REQUEST No. 63:**

2 Meta incorporates by reference its objections and definitions above. Any electronic
 3 communications, including email and documents attached thereto, will only be produced pursuant
 4 to and in accordance with the ESI Order.

5 Meta objects to this Request because, on its face, it seeks and does not exclude documents
 6 and communications exchanged with or at the direction of Meta's attorneys concerning legal advice
 7 or opinions, which are subject to attorney-client privilege and/or attorney work product doctrine.
 8 Such documents will not be produced.

9 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 10 needs of the case to the extent it seeks all documents and communications from or to Mr. Dettmers
 11 concerning the subject matter of the Request, including documents with limited, if any, relevance
 12 to Plaintiffs' copyright infringement allegations and Meta's defenses thereto.

13 Meta objects to this Request to the extent it seeks information that is not relevant to any
 14 party's claims or defenses, in particular as Mr. Dettmers was uninvolved in the development or
 15 training of the Meta Language Models (as construed above).

16 **REQUEST FOR PRODUCTION No. 64:**

17 Documents and Communications sufficient to show each instance within the last three years
 18 where You have licensed copyrighted works for Meta's commercial use.

19 **RESPONSE TO REQUEST No. 64:**

20 Meta incorporates by reference its objections and definitions above. Any electronic
 21 communications, including email and documents attached thereto, will only be produced pursuant
 22 to and in accordance with the ESI Order.

23 Meta objects to this Request because, on its face, it does not exclude documents and
 24 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 25 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 26 documents will not be produced.

27 Meta objects to the phrase "commercial use" as vague, ambiguous, and undefined.

28 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the

1 needs of the case because it seeks documents with limited, if any, relevance to Plaintiffs' copyright
 2 infringement allegations and Meta's defenses thereto. In particular, the Request appears to seek
 3 documents relating to Meta's licensing of third party materials for any purpose, irrespective of any
 4 connection to the development or training of the Meta Language Models (as construed above).

5 Meta objects to this Request to the extent it seeks information that is not relevant to any
 6 party's claims or defenses.

7 **REQUEST FOR PRODUCTION NO. 65:**

8 Documents and Communications sufficient to show each instance within the last five years
 9 where You have alleged a claim of copyright infringement against another.

10 **RESPONSE TO REQUEST NO. 65:**

11 Meta incorporates by reference its objections and definitions above. Any electronic
 12 communications, including email and documents attached thereto, will only be produced pursuant
 13 to and in accordance with the ESI Order.

14 Meta objects to this Request because, on its face, it does not exclude documents and
 15 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 16 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 17 documents will not be produced.

18 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 19 needs of the case because it seeks documents with limited, if any, relevance to Plaintiffs' copyright
 20 infringement allegations and Meta's defenses thereto. Further, on its face, it is not limited to claims
 21 in the United States.

22 Meta objects to this Request to the extent it seeks information that is not relevant to any
 23 party's claims or defenses. Copyright infringement is a fact-specific inquiry; any claims Meta may
 24 have asserted turn on the facts of those cases and are not relevant to the claim asserted here, which
 25 is limited to a claim based on the alleged copying of Plaintiffs' registered works for training the
 26 Meta Language Models (as construed above).

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1 Meta objects to this Request because, on its face, it does not exclude documents and
 2 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 3 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 4 documents will not be produced.

5 Meta objects to "produce output 25,000 words or longer" as vague and ambiguous.

6 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 7 needs of the case to the extent that it seeks all documents and communications concerning the
 8 subject matter of the Request, including documents with limited, if any, relevance to Plaintiffs'
 9 copyright infringement allegations and Meta's defenses thereto.

10 Meta objects to this Request to the extent it seeks information that is not relevant to any
 11 party's claims or defenses.

12 Dated: April 19, 2024

COOLEY LLP

14 By: /s/ Judd Lauter
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 16 Mark Weinstein
 17 Kathleen Hartnett
 18 Judd Lauter
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 27 META PLATFORMS, INC.

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 22 RICHARD KADREY, *et al.*,
 23 Individual and Representative Plaintiffs,
 24 v.
 25 META PLATFORMS, INC., a Delaware
corporation;
 26
 27 Defendant.
 28

Case No. 3:23-cv-03417-VC

**DEFENDANT META PLATFORMS, INC.'S
OBJECTIONS AND RESPONSES TO
PLAINTIFFS' FOURTH SET OF REQUESTS
FOR PRODUCTION**

1 require Meta to state objections as to specific documents.

2 **16.** Meta objects to Instruction 7 as overbroad and unduly burdensome to the extent that
3 it purports to require more of Meta than any obligation imposed by law and would subject Meta to
4 unreasonable, disproportionate, and undue burden and expense. Meta will provide Plaintiffs with
5 a privilege log in accordance with Rule 26.

6 **17.** Meta objects to Instruction 8 to the extent that it purports to require Meta to produce
7 documents protected by attorney-client privilege and/or attorney work product doctrine.

8 **III. OBJECTIONS AND RESPONSES TO INDIVIDUAL DOCUMENT REQUESTS**

9 **REQUEST FOR PRODUCTION NO. 76:**

10 Documents and Communications Concerning mandatory training titled “Legal” given to
11 former employee Tim Dettmers while employed with Meta before December 2020.

12 **RESPONSE TO REQUEST NO. 76:**

13 Meta incorporates by reference its objections and definitions above. Any electronic
14 communications, including emails and documents attached thereto, will only be produced pursuant
15 to and in accordance with the ESI Order.

16 Meta objects to this Request because, on its face, it does not exclude documents and
17 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
18 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
19 documents will not be produced.

20 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
21 needs of the case to the extent that it seeks all communications concerning the subject matter of the
22 Request, including documents with limited, if any, relevance to Plaintiffs’ copyright infringement
23 allegations and Meta’s defenses thereto.

24 Meta objects to this Request on the ground that it seeks information that is not relevant to
25 any party’s claims or defenses.

26 **REQUEST FOR PRODUCTION NO. 77:**

27 Communications Concerning any licensing copyrighted works that were used to train the
28 Meta Language Models.

1 **RESPONSE TO REQUEST No. 77:**

2 Meta incorporates by reference its objections and definitions above, including to the term
 3 “Meta Language Model.” Any electronic communications, including email and documents attached
 4 thereto, will only be produced pursuant to and in accordance with the ESI Order.

5 Meta objects to this Request because, on its face, it does not exclude documents and
 6 communications exchanged with or at the direction of Meta’s attorneys concerning legal advice or
 7 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 8 documents will not be produced.

9 Meta objects to this Request as vague and ambiguous as to the phrasing “Communications
 10 Concerning licensing copyrighted works,” which appears to be missing one or more words. Meta
 11 further objects to this Request as vague, ambiguous, and unduly burdensome as to the term
 12 “copyrighted works,” as Meta is not in a position to know whether any particular work is subject
 13 to copyright protection. Meta will construe this Request to seek communications concerning
 14 Meta’s negotiations of licenses for datasets, if any, that were used to train the Meta Language
 15 Models (as construed above).

16 Meta objects to this Request as overbroad, unduly burdensome, and disproportionate to the
 17 needs of the case to the extent that it seeks all communications concerning the subject matter of the
 18 Request, including documents with limited, if any, relevance to Plaintiffs’ copyright infringement
 19 allegations and Meta’s defenses thereto.

20 Subject to and without waiving the foregoing objections, and pursuant to the terms of the
 21 Protective Order and ESI Order, Meta has conducted a reasonable search and did not locate
 22 communications in its possession, custody, or control concerning the negotiation of licenses for
 23 datasets that were used to train the Meta Language Models (as construed above).

24 **REQUEST FOR PRODUCTION No. 78:**

25 Documents sufficient to show what the term “invite-only” means as used by Defendant in
 26 ECF No. 105.

27 **RESPONSE TO REQUEST No. 78:**

28 Meta incorporates by reference its objections and definitions above. Any electronic

1 communications, including emails and documents attached thereto, will only be produced pursuant
 2 to and in accordance with the ESI Order.

3 Meta objects to this Request because, on its face, it does not exclude documents and
 4 communications exchanged with or at the direction of Meta's attorneys concerning legal advice or
 5 opinions, which are subject to attorney-client privilege and/or attorney work product doctrine. Such
 6 documents will not be produced.

7 Meta objects to this Request on the ground that it seeks information that is not relevant to
 8 any party's claims or defenses.

9 Dated: September 30, 2024

COOLEY LLP

11 By: /s/Judd Lauter
 12 Bobby Ghajar
 13 Mark Weinstein
 14 Kathleen Hartnett
 15 Judd Lauter
 16 Liz Stameshkin
 17 Colette Ghazarian

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 22 Angela L. Dunning

23 Attorneys for Defendant
 24 META PLATFORMS, INC.

25

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